



PHLY-25,087

JPV

PATENT

2756
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Jeffrey Jovan Philyaw and Douglas L. Davis**

Serial No.: **09/580,848**

Filed: **May 30, 2000**

Group: **2756**

Examiner: **Steve S. Paik**

For: **OPTICAL READER AND USE**

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Adjustment Dear Sir: 08/2004 TDANKINS
09/07/2004 TDANKINS 00000004 200780 09580848
01 FC:1253 950.00 CR

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

8/19/04

(Date of Deposit)

Gregory M. Howison

(Name of Person Mailing Document)

(Signature)

8/19/04

(Date of Signature)

AMENDMENT AND RESPONSE TO OFFICE ACTION

In response to the Office Action dated February 9, 2004, please amend the above-referenced

patent application as follows:

09/07/2004 TDANKINS 00000004 200780 09580848

01 FC:1253 950.00 DA

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

**AMENDMENT AND RESPONSE
S/N 09580,848
Atty. Lt. No. PHLY-25,087**

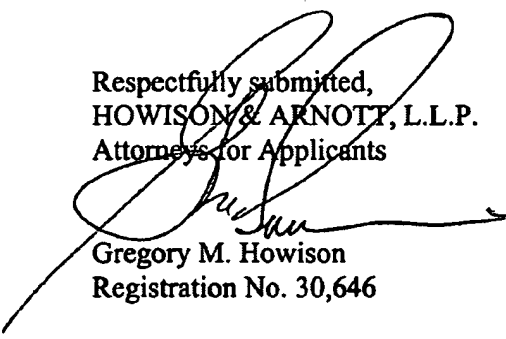
view of independent Claim 1, from which Claims 11-13 depend. Therefore, the combination of *Swartz et al* and *Eastman et al.* does not anticipate or obviate Applicants' present inventive concept. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 11-13.

Claims 26-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Swartz et al.* in view of *Seevers et al.* This rejection is respectfully traversed.

Claims 26-46 depend from Claim 1 and, therefore, for the reasons described hereinabove with respect to the argument in view of *Swartz et al.*, it is believed that the addition of *Seevers et al.* does not cure these deficiencies. Therefore, Applicants do not believe the combination of *Swartz* and *Seevers et al.* anticipates or obviates Applicants' present inventive concept, as defined by amended Claim 1. Dependent Claims 26-46, therefore, are not believed to be obviated under 35 U.S.C §103(a), the withdrawal of which is respectfully requested.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,087 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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AMENDMENT AND RESPONSE
S/N 09/580,848
Atty. Dkt. No. PHLY-25,087

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

09580848

CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE
	\$ _____
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL	

RATE	FEE
	\$ _____
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	*	Minus	**	=
Independent (37 CFR 1.16(b))	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	*	Minus	**	=
Independent (37 CFR 1.16(b))	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	* 46	Minus	** 69	=
Independent (37 CFR 1.16(b))	* 1	Minus	*** 3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.